

Applicant : David Wong
Serial No. : 10/632,701
Filed : July 31, 2003
Page : 11 of 15

Attorney's Docket No.: 13914-028001 / 2003P00198US

REMARKS

Claims 1-37 were pending in the application prior to amendment. Claims 1-15 stand rejected as allegedly not complying with 35 U.S.C. 101. Claims 1-37 stand variously rejected under 35 U.S.C. 102 and 103 as allegedly being unpatentable over one or more of U.S. Published Patent Application No. 2004/0083156 to Schultze ("Schultze"), U.S. Published Patent Application No. 2002/0165814 to Lee et al. ("Lee"), and U.S. Published Patent Application No. 2003/0208424 to Tenorio et al. ("Tenorio").

In view of the amendments and remarks herein, the rejection is respectfully traversed. Reconsideration and allowance are respectfully requested.

Please note that the cover sheet of the office action dated 11/23/2004 incorrectly states that claims 1-31 are pending.

I. The Rejections under 35 U.S.C. 101

Independent claims 1 and 12 have been amended as suggested in the office action, rendering the rejections moot.

II. The Rejections under 35 U.S.C. 102(e)

Claim 1

Claim 1 stands rejected as allegedly being anticipated by Schultze. However, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Please see MPEP 2131.01). Further, "The elements must be arranged as required by the claim..." (Please see MPEP 2131.01).

Applicant : David Wong
Serial No. : 10/632,701
Filed : July 31, 2003
Page : 12 of 15

Attorney's Docket No.: 13914-028001 / 2003P00198US

Claim 1 is patentable over Schultze because not all features of claim 1 are taught in Schultze. Specifically, Schultze does not teach “receiving a response from the potential supplier, the response including response attribute data for the particular response attribute; and using a computer-implemented rules engine, evaluating the response attribute data for the particular response attribute using the particular compliance rule,” as recited in claim 1.

At paragraph 23, Schultze does teach the use of rule profiles for RFQs. However, Schultze does not teach “receiving a response from the potential supplier, the response including response attribute data for the particular response attribute” and “evaluating the response attribute data for the particular response attribute using the particular compliance rule.”

(Emphasis added). Schultze does not specify how the described rule profiles are implemented. As noted above, in order to anticipate claim 1, the office action is required to show that Schultze either expressly or inherently describes these features of claim 1.

The office action alleges that paragraph 38 of Schultze teaches “evaluating the response attribute data for the particular response attribute using the particular compliance rule.” However, paragraph 38 is directed to a different aspect of Schultze than implementing rule profiles. The cited portion of Schultze pertains to converting an RFQ to a reverse auction. As described in paragraph 37 of Schultze, these are different opportunities (“FIG. 5 is a flowchart describing an operation 400 for converting an RFQ opportunity into a reverse auction opportunity.”) By contrast, the features of claim 1 pertain to a particular opportunity and its associated response data. As noted above, in order to anticipate claim 1, the elements in an

Applicant : David Wong
Serial No. : 10/632,701
Filed : July 31, 2003
Page : 13 of 15

Attorney's Docket No.: 13914-028001 / 2003P00198US

allegedly anticipating reference need to be arranged as claimed. Instead, the rejection of claim 1 uses elements of different aspects of Schultze in an attempt to recreate the features of claim 1.

For at least the above reasons, Schultze does not anticipate claim 1.

Claims 2-11

Claims 2-11 depend from claim 1, and are therefore patentable for at least the same reasons.

Claims 12-37

Independent claims 12, 16, and 27 include features similar to those discussed above with respect to claim 1, and are therefore patentable for at least similar reasons. Dependent claims 13-15, 17-26, and 28-37 depend from the associated independent claims, and are therefore patentable for at least the same reasons.

III. The Rejections under 35 U.S.C. 103

Claims 4, 6, 7, 8, 10, 11, 13-14, 19, 21, 22, 23, 25, 26, 30, 32, 33, 34, 36, and 37 stand rejected under 35 U.S.C. 103 as allegedly being obvious over Schultze either alone or in combination with one or more of Lee and Tenorio.

However, since Schultze and the current application were both owned by or subject to an obligation of assignment to SAP Aktiengesellschaft at the time of filing of the current application (please see the Statement of Common Ownership below), Schultze is unavailable as a reference under 35 U.S.C. 103. The above-referenced claims are thus patentable for at least this additional reason.

Applicant : David Wong
Serial No. : 10/632,701
Filed : July 31, 2003
Page : 14 of 15

Attorney's Docket No.: 13914-028001 / 2003P00198US

Statement of Common Ownership

The current application, Serial No. 10/632,701 and U.S. Published Patent Application No. 2004/0083156 A1 to Schultze were, at the time the invention of application 10/632,701 was made, owned by or subject to an obligation of assignment to SAP Aktiengesellschaft.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue, or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Claims 1-37 are in condition for allowance, and a notice to that effect is respectfully solicited. If the Examiner has any questions regarding this response, the Examiner is invited to telephone the undersigned at (858) 678-4311.

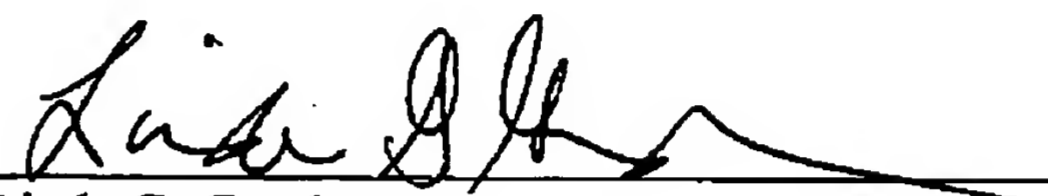
Applicant : David Wong
Serial No. : 10/632,701
Filed : July 31, 2003
Page : 15 of 15

Attorney's Docket No.: 13914-028001 / 2003P00198US

No fees are believed due. Please apply any other charges or credits to deposit
account 06-1050.

Respectfully submitted,

Date: 02/23/05


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